

REMARKS

Claims 1-25 and 30-34 and 37-40 are all the claims presently pending in the application. Claims 2-7, 9-11, 13-27 and 30-34 have been withdrawn from prosecution as allegedly directed to a non-elected species. Claim 40 has been amended to address alleged informalities.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 8, 12, and 37-40 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

However, Applicant notes that MPEP 2173.02 provides that the claims need only define the patentable subject matter with a reasonable degree of particularity and distinctness. Further, definiteness of claim language must be analyzed in light of (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Applicant would point out that the concept of a "perpendicular magnetic anisotropy component" is a well-known concept in the field of thin film magnetism. For a reference, see, for example, W. J. M. de Jonge, P. J. H. Bloemen, and F. J.A. de Broeder, "Experimental investigations of magnetic anisotropy", ch.2.3, *Ultrathin magnetic structures*, vol. 1, ed. J. A. C. Bland and B. Heinrich. Springer-Verlag (1994). See especially their definition and discussions around Eqn.(2.11-2.13).

The concept of perpendicular anisotropy component refers to a component in the anisotropy energy that favors a magnetic moment perpendicular to the surface arrangement in ultra-thin magnetic films. There are other anisotropy energies at play, such as the demagnetization field, which favors a magnetic moment in-plane arrangement (again, see the reference mentioned above and their discussion around Eqn. (2.13)).

Therefore, Applicant respectfully submits that a person of ordinary skill in the art could clearly interpret the metes and bounds of the claim so as to understand how to avoid infringement. Therefore, the claims are clearly defined and not indefinite. In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

The Examiner objects to the drawings as failing to show a "perpendicular magnetic anisotropy component" as recited in claims 1 and 40.

However, as noted above, perpendicular anisotropy component refers to a component in the anisotropy energy that favors a magnetic moment perpendicular to the surface arrangement in ultra-thin magnetic films. That is, perpendicular anisotropy component is a physical quantity and is not a "feature" that is capable of illustration in the drawings. It can originate from a specific combination of materials and interfaces, as described in this disclosure, but it is not by itself a geometrical (e.g., "structural") entity like a particular device structure.

Therefore, Applicant respectfully submits that it is not reasonable for the Examiner to insist that the drawings include a "perpendicular anisotropy component". In view of the foregoing, the Examiner is respectfully requested to withdraw this objection.

In view of the foregoing, Applicant submits that claims 1-25 and 30-34 and 37-40, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: November 6, 2007

/Phillip E. Miller/
Phillip E. Miller
Registration No. 46,060

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254